

TEMPORARY

NO. 65381-T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 03 1999Returned to applicant for correction Corrected application filed Map filed MAY 20 1986 under 49886

The applicant **Barker Homes, Inc.**, a Nevada corporation, hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use of a portion of water heretofore appropriated under Claim 179 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.**

1. The source of water is **Truckee River**
2. The amount of water to be changed **5.00 afa and a prorata share of the diversion rate**
3. The water to be used for **Construction purposes**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **the NE¼ of the SW¼ of Section 31, T.19N., R.18E., M.D.M., or at a point from which the southeast corner of said Section 31 bears South 62°04' East a distance of 3195 feet. Steamboat Canal per Orr Ditch Decree. See Map No. 58679 for proposed point of diversion.**
6. The existing permitted point of diversion is located within the **SE¼ of the NE¼ of Section 14, T.19N., R.18E., M.D.M., or at a point from which the northeast corner of said Section 14 bears North 24°26' East a distance of 1840 feet. Last Chance Ditch per Orr Ditch Decree. See Map No. 58810 for existing point of diversion.**
7. Proposed place of use **portions of the south ½ of Section 35, T.19N., R.19E., M.D.M.. Evans Creek Estates Units 4 and 5. See attached EXHIBIT "A".**
8. Existing place of use **1.177 acres within the NW¼ of the NE¼ of Section 26, T.19N., R.19E., M.D.M. A portion of Washoe County Assessor's Parcel No. 23-124-02. See attached EXHIBIT "B".**
9. Use will be from **January 1 to December 31 of each year.**
10. Use was permitted from **As Decreed.**
11. Description of proposed works **Pump in ditch with stand pipe for filling water trucks for construction dust control.**
12. Estimated cost of works **\$1,000.00**
13. Estimated time required to construct works **1 week**
14. Estimated time required to complete the application of water to beneficial use **1 year**

15. Remarks: Water will be drawn from Steamboat Canal within the SW¼ of Section 35, T.19N., R.19E., M.D.M. at a point where Ridgeview Drive crosses said Canal. (See attached EXHIBIT "C".) Water will be pumped into Q & D Construction water trucks and used for dust control at a nearby construction project. NOTE: Assignment for this right was filed with the State Engineer's Office on April 29, 1998.

By s/George G. Lindesmith
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared dl/cmf dl/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claim 179, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 14, 2000 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.031 cubic feet per second, but not to exceed 5.0 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

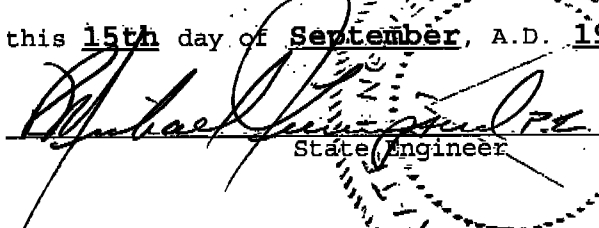
Map in support of proof of beneficial use shall be filed on or before:

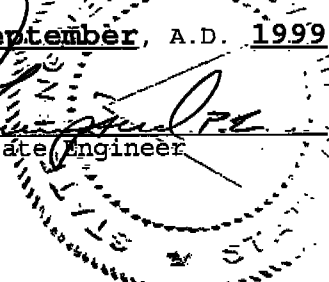
TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office

this 15th day of September, A.D. 1999


State Engineer



EXPIRED
DATE SEP 14 2000

